IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8645 of 2005

Between:

Koganti Jitendrababu, S/o. Sri Sreeramulu, Hindu,
R/o. Indupalli V, Unguturu M Krishna District.

..... PETITIONER

AND

1 The Commissioner of Endowments, Endowments Department, A.P. Hyderabad.
2 The Deputy Commissioner of Endowments Department, Kakinada.
3 Sri Chennakesava Swami Temple, Rep by its Executive Officer,
Indupalli V, Unguturu M, Krishna District.

4. Ch. Kodanda Rama Prasad, s/o Venkata Ranga Rao, Hindu, aged about 50 years, Service, working in Soma Constructions, Tanuku, W.G. Dist.

5. N. Narasimha Rao, s/o Nageswara Rao, Hindu, aged 55 years, Agriculture, R/o Indupalli V. Unguturu M. Krishna District,

6. V. Venkateswara Rao s/o Kistaiah, Hindu, aged about 72 years, Agriculture, R/o Indupally V. Unguture M. Krishna District,

7. Ch. Laxman Rao, s/o Venkateswara Rao, Hindu, aged about 50 years, Agricultue, /o Indupalli V. Unguture, M. Krishna District

8. Smt. Ch. Lakshmi, husband’s protection Agricultural labour, R/o Indupalli V. Unguture M. Krishna District,
9 K. Maddi Ramaiah, Father's name not known to the petitioner, Hindu,
R/o. Indupalli V, Unguturu M, Krishna District.
10 Sri Venkateswara Rao, Father's name not known to the petitioner, Hindu,
R/o. Indupalli V, Unguturu M, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly a Writ of Mandamus, declaring the proceedings bearing Rc.No. C3/12842/2005 dated 23-3-2005 (Two Proceedings) as illegal and ultra vires to the provisins of Article 14 of the Constitution of India and also the mandatory provisions of A.P. Act 30/1987 and the rules framed thereunder on the subject from time to time.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :

O R D E R

This Writ Petition is filed by the petitioner seeking to declare the proceedings bearing Rc No.C3/12842/2005, dated 23.3.2005 as illegal and ultra vires to Article 14 of the Constitution of India and also mandatory provisions of A.P. Act 30 of 1987 and the rules framed thereunder on the subject from time to time.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Relying on the provisions of section 8 of the A.P. Charitable Hindu Religious Institutions & Endowments Act, 1987, it is submitted by the learned G.P. for Endowments that the powers are conferred on the Commissioner to appoint the festival Committee of the temple and therefore, the order impugned herein is sustainable.

On the other hand, the learned counsel for the petitioner submits that the petitioner is the founder family member of the Temple in question and he has to conduct Utsavams in the month of April, 2005 and therefore, the order impugned is not sustainable.

I have perused the order impugned. It goes to show that the 1st respondent has passed the impugned order directing the Executive Officer of the subject temple to see that the Utsavams are conducted peacefully with the guidance of the festival committee mentioned therein.

The question as to whether the petitioner is a founder family member of the temple in question and whether he developed the same by constructing community hall and other temples by investing huge amounts, cannot be decided at this stage of the proceedings for the reason that it is a matter to be agitated before an appropriate forum.

In this view of the matter and in the facts and circumstances of the case and in view of the issue involved, which is charitable and religious one and also in order to maintain public peace and tranquility during the course of the Utshavams, without expressing any opinion on the merits of the case, I feel it appropriate to direct the respondents to allow the petitioner to participate in the festival of the temple along with the Committee appointed by the 1st respondent through impugned proceedings.

Subject to the above direction, this writ petition is disposed of. No costs.

_____

20th April, 2005

vp

ASST. REGISTRAR

To

1. The Commissioner of Endowments, Endowments Department, A.P. Hyderabad,
2. The Deputy Commissioner of Endowments Department, Kakinada
3. The Executive Officer, Sri Chennakesava Swamy Temple, Indupalli V. Unguture M. Krishna District
4. The Govt. Pleader for Endowments, High Court buildings, Hyderabad (OUT)
5. 2 CD copies.